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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE REAL ESTATE APPRAISER BOARD

In the Matter of:

DONN C. LAMON

CONSENT ORDER

COPY

This matter was opened before the New Jersey State Real Estate Appraiser Board (the "Board") upon the Board's receipt of information, in the course of a criminal history background check conducted in August 2012, that respondent Donn C. Lamon had been arrested twice and had pled guilty in Ocean City Municipal Court to a local ordinance violation. Upon additional investigation, the Board has determined and the parties stipulate that:

(1) Respondent was arrested on August 10, 2005 in Fort Meyers, Florida, at which time he was charged with one count of battery. Those charges were subsequently dismissed on September 16, 2005.

(2) Respondent was arrested on May 27, 2008 by the Ocean City, New Jersey Police Department and charged with one count of simple assault. Those charges were subsequently downgraded to charges that respondent violated a city noise ordinance. Respondent pled guilty to violating the city noise ordinance on

January 20, 2009, and was fined \$250, ordered to pay court costs of \$25, and required to make \$1735 in restitution to his ex-wife.

(3) Respondent was charged in Somers Point, New Jersey on November 14, 2008 with committing assault (based on the events that had occurred on May 27, 2008 and which were the predicate for the original assault charges in Ocean City). Those charges were dismissed on or about February 3, 2009.

In addition to the above, respondent consented to pay a civil penalty in the amount of \$500 to the New Jersey Real Estate Commission on September 9, 2009. The Real Estate Commission action was based on respondent's failure to have notified the Commission, within 30 days, of his having been charged with an offense in Ocean City, New Jersey, on May 28, 2008, which is a violation of N.J.S.A. 45:15-17(s).

Respondent failed to disclose any information regarding any of the above actions to the Real Estate Appraiser Board, and falsely responded to three separate questions that were asked on two licensure applications which he filed with the Board. Specifically, respondent failed to disclose information about his arrest in Florida on an application which he submitted to the Board on November 5, 2007 seeking upgrade of his license from licensed residential to certified residential status. On that application, respondent falsely answered "no" to a question that asked whether

he had "ever been . . . arrested . . . [or] charged with . . . any violation of law, ordinance, felony, misdemeanor or disorderly persons offense, in New Jersey, [or] any other state . . .?"

Respondent also failed to disclose any information about his arrest by the Ocean City Police Department on May 27, 2008, the subsequent charges that were filed against him in both Ocean City and Somers Point, his conviction by guilty plea in Ocean City, and/or the action taken by the Real Estate Commission on an application for renewal of his appraiser license which he completed on-line on December 31, 2009. On that application, respondent falsely answered "no" to a question asking: "since your last renewal [December 31, 2007], have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee?" and to a second question asking: "since your last renewal, has any action been taken or is any action now pending against your professional license . . . by any other licensing authority that you have not already reported to your board/committee?"

Respondent appeared before the Board for an investigative hearing on June 25, 2013, represented by Michael E. Riley, Esq.¹ At that appearance, respondent provided evidence to the Board demonstrating that all of the assault charges that had been filed

¹ Respondent initially appeared before the Board on January 22, 2013, however that appearance was adjourned upon respondent's election to retain legal counsel to represent him in this matter.

against him were ultimately dismissed without any action being taken, and that the guilty plea he entered in Ocean City was only to charges of disturbing the peace. Respondent suggested that he did not disclose the Florida action because he believed the arrest record had been "expunged," but conceded that he had no documentation to support that claim. Respondent additionally conceded that he alone was responsible for the responses to the questions on the licensure applications, and that his responses were not truthful.

The Board finds that respondent provided false responses to three questions on two licensure applications which he submitted to the Board. Based thereon, the Board concludes that cause for disciplinary action against respondent exists pursuant to N.J.S. 45:1-21(a) and/or 45:1-21(b).

Notwithstanding the above findings, the Board has also concluded that there is no basis for disciplinary action against respondent based on his arrest and conviction history, as the Board finds that respondent's only conviction (for violation of a local noise ordinance) is non-disqualifying. See N.J.S. 45:14F-10.1. Further, upon review of respondent's completed application for upgrade from licensed residential to certified residential, the Board finds that respondent presently meets all requirements for upgrade to certified residential status, and that good cause exists to grant respondent's application for residential certification.

The parties desiring to resolve this matter without need for further administrative proceedings, and the Board being satisfied that good cause exists for the entry of the within Order,

IT IS on this 19th day of August, 2013,

ORDERED and AGREED:

1. Respondent Donn C. Lamon is hereby formally reprimanded for having falsely responded to three questions on two licensure applications which he filed with the Board, as more fully detailed above.

2. Respondent is assessed a civil penalty in the amount of \$1500, which penalty shall be payable in full at the time of entry of this Order.

3. Respondent is assessed costs, in the amount of \$374.75, which costs shall be payable in full at the time of entry of this Order.

4. Respondent's application for upgrade of licensure from residential licensed to certified residential is granted.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

Cheryle A. Randolph-Sharpe

By:

Cheryle A. Randolph-Sharpe
Board President

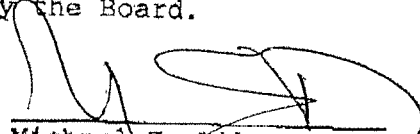
I heraby represent that I have carefully read and considered the within Order, and agree to the entry of this Order by the Board.


Donn C. Dalton

Dated:

AUG. 5, 2013

Consent to the form and entry of the within Order by the Board.


Michael E. Riley, Esq.
Counsel for Respondent

Dated:

8-6-2013